

**Newfields Planning Board**  
**March 17, 2005**

**Attendance:** Robert Devantery, John Hayden, Mike Price, Mike Todd, and Betsy Coes.

Mike Price called the meeting to order at 7:10 pm. Betsy Coes was introduced as the new alternate member. Mark Kasper was not interesting in continuing to serve on the Board as an alternate.

**Les Case Subdivision- 5-lot subdivision**

Reuben informed the Board that the Case application is incomplete and should not be accepted. This discussion shall be for information purposes only. He reviewed the plans submitted by Emmanuel Engineering and would like additional information showing the roadway profile and roadway cross section. The plan shows four new lots. The parent parcel would remain with 39 acres. Money needs to be put in an escrow account to be used for the engineering costs and review fees and any unused portion would be returned to the applicant. These rules were recently instituted by the Town. The 39-acre parcel does not have a full boundary survey. A waiver would be needed for the length of the cul-de-sac and for not having a full survey. The applicant is contesting the town's ownership of the grist mill site and has a pending court case regarding this issue. Reuben feels the land dispute needs to be resolved before going forward and abutters should be notified again before the next hearing. Storm water drainage plans also need to be submitted because they need to know how drainage will be handled.

Les Case addressed the Board and asked for guidance regarding the width of the road. The existing plan shows a 24 foot road. They are proposing dividing the lot into 5 lots and have 4 available for sale. The plan involves a lot line adjustment with the Grahams. He has offered to swap land with them for more frontage and a better design of proposed lot #4. Mr. Case mentioned the grist mill parcel and said that no deed has been found for the site. All of his deeds read that the westerly boundary of his land is the Piscassic River. He is going to Superior Court request quiet title to the land.

The proposed plan shows an 8% grade with a 24-foot roadway. The overall grade of the road is a concern for the Board. The applicant needs to show how the road would be constructed. They will also need a driveway permit and a site specific permit from DES.

Test pits have been done and approved.

Mike Todd stated that the court case needs to be resolved before Mr. Case comes back before the Board. There needs to be a clear deed on the property. The court date is May 3, 2005. Abutters will be re-notified of any future hearings.

**Mill Woods Conservation Subdivision**

Attorney Mark Johnson submitted a request to extend the time to act on the original Mill Woods Subdivision until February 17, 2007. This is in the event that the purchase with TPL does not go through. The abutters would be re-noticed if this was to happen. A motion was made by John Hayden and seconded by Bob Devantery to accept Attorney Johnson's letter requesting an extension to act upon the original Mill Woods Subdivision plan until February 17, 2007. Yes 4, No-0

### **River Run Realty Trust- 15-lot subdivision**

Scott Frankiewicz from Beals Associates indicated that there are a couple of issues that need to be finalized. A final review was done by Reuben Hull. The bond and homeowner's documentation have been reviewed and approved by Town Counsel. The only outstanding issues are the pending subdivision approval and site specific permit.

Reuben mentioned that Scott has addressed the items he was concerned with. The re-alignment of the roadway needs to be submitted. He confirmed that the bond has been reviewed and approved. There were some increases and the total construction bond will be \$360,000. The right of way access was changed. He confirmed that the site specific permit is still pending. If there are any changes there is nothing that would affect the design or the layout. Reuben sees no reason why the Board cannot grant a conditional approval. The permits will be reviewed prior to final approval.

Reuben suggested some additional items be added to the homeowner's documentation and declaration of common scheme restrictions and that has been done.

Bob Labranche asked who would be in charge of maintaining the conservation land. Attorney Johnson informed him that the homeowner's maintain and monitor the open space. It will not be owned by the individual lots but they will have an interest in it. The open space will be open to the public.

John Hayden was concerned with shoreland protection and felt it should be a part of the association rules. The homeowner's documentation will be recorded and referenced on the deeds of the property but there needs to be specific regulations to control and protect the river. The shoreland protection will be enforced by the homeowner's and the only thing the Board can do is to have easement language attached to their deeds. Attorney Johnson will have Peter Loughlin review the final easement language.

Rebecca Watts asked if Mr. Falzone would be agreeable to putting up a fence or even some bushes up for screening. He agreed and a note will be made.

Elliot Alexander asked if the Board felt the subdivision meets the intent of the cluster subdivision. He does not like the configuration of lot #12. Bob Devantery replied that it did because of the amount of land that will be left as open space.

Reuben discussed in depth with Scott changing the configuration of lot #12. He said that overall this plan is better than the last one, regardless of lot #12. Part of the cluster ordinance is to give the Board flexibility to allow for different configurations. This is

conducive to what the cluster subdivision is meant to do; provide flexibility, not just protect open space. He thinks they have done the best that they can do.

According to Bob Labranche there are lots that will be quite wet. He was informed that every lot will need a state septic approval as well as driveway approvals.

A motion was made by Mike Todd and seconded by Bob to grant a conditional approval of the River Run Realty Trust Conservation Subdivision dated February 17, 2005. The motion carried. Yes-5, No-0 The following are the conditions of approval:

1. The Bond shall be in place.
2. Approval of the DES site specific permit.
3. The subdivision approval.
4. Review of the final language of the easements.
5. The items mentioned in Reuben Hull's letter of March 17, 2005.
6. Transfer of the funds (\$25,000) for the sidewalks.

The applicant is willing to look into a screen in the front of the property and the funds for the sidewalks will be transferred when the bond is in place.

#### **Pride Development –Gas Station/Convenience Store**

Pride Development was not heard due to the fact that they owe the Town of Newfields \$5,298.00 for consultation fees. A motion was made by Mike Todd and seconded by Mike Price to table discussion until payment has been made. Yes- 4, No-0

#### **Squamscott Property Management-Lot line adjustment**

Bill Davis and Kyle Engle were present to discuss the lot line adjustment. Bill explained that even though the lots are separate they consider them to be one. Revise the lot to reflect the same ownership. Two of the lots were separated by the road and the other is ½ of the abandoned road bed.

Mike Price asked about the remnant lot that belonged to the vet and was transferred to Cedar Island Ledge. He wanted to know how a deed could have been filed without the land being subdivided. Reuben stated that a subdivision of the land was never done and the lot may have been deeded incorrectly. Attorney Tucker felt that it could be fixed by granting a lot line revision to combine the three lots and do a subdivision of the post office lot and vet lot or go to the ZBA.

When Bill bought the vet lot it had its own tax map and lot number so he assumed they were separate lots. Cedar Island Ledge owns the Post Office site and the two remnant lots across the street. He came to the Board to try to create one lot. Attorney Charles Tucker stated that Bill would still have to go to the ZBA before anything could be constructed. In his opinion these lots are one with a road through them.

Bob Devantery asked what Bill intended on doing with the lot. He would like to put an office building on the .45 acre lot.

The Board needed to make a decision on the application. They questioned if our zoning allows for a lot line adjustment to subdivide the lot. A variance would be needed to create one lot.

Bill withdrew his application and will re-submit at a later date.

**Pennine Properties, LLC -167 Exeter Road- Site plan review**

Bruce Scamman presented the site plan of 167 Exeter Road on behalf of Pennine Properties LLC. The existing building was converted to office space with an approved site plan and they are now presenting a revised site plan. The applicant would like to construct a barn for storage. The barn would be located where an existing cellar hole is and is within the setbacks. Pennine Properties is an engineering firm that designs products. They would like to store 5% of the products that they sell in the barn. Most of their products are shipped directly to the buyers. UPS and Fed Ex trucks are used for deliveries and shipments. The applicant showed the Board a picture of the proposed barn and stated that they are trying to stay with the rural character of Newfields. The only additional proposed change would be to shift the gravel parking lot approximately 5 feet. The applicant explained that the reason for shifting the parking lot is to line up the back door and maintain a 30 foot separation between the buildings.

Reuben informed the Board that the application is complete. A motion was made by John Hayden and seconded by Mike Price to accept the application for discussion. Yes-4, No-0

There was some discussion of the 300 foot setback requirement but that only pertains to industrial use buildings per Reuben's letter dated March 8. This lot did receive a variance to allow office space, which is not an industrial use. In Reuben's opinion the storage would be an accessory use. The 300-foot setback requirement that was adopted in 1977 was actually just a buffer to protect natural vegetation in the industrial zone.

The Board will contact Town Counsel to find out if this can be considered an accessory use. If this is the case it would be stipulated on the plan. Limitations would also be noted on the plans; such as no sub-leasing, no commercial space, no retail or no industrial uses. Any changes in use would need to go before the Planning Board. If it is considered light industrial the parking requirements would have to be met but no variance or special exception would be required.

The applicant confirmed that they will only be using the barn for storage of records, a sail boat, power boat and antique tractor. They do not intend on connecting the buildings in anyway and there will be no bathrooms added to the structure.

Mary August asked if a sprinkler system would be required. Mike Todd stated that the fire department would need to be contacted. Reuben suggested that the applicant submit the plans to the fire department.

The applicant wishes to improve the site as well as make it look nice. Bob Devantery asked if they were willing to plant the trees that the former owner intended on planting. The applicant agreed to adhere to the request or propose an alternative landscape plan.

No action was taken pending Town Counsel review.

#### **Kalish-preliminary consultation**

Gerald Kalish asked the Board about changing the right of way on his property. He would like to move the existing 60 foot right of way because it encompasses a portion of his driveway. His home is on Map 208 Lot 14 and the 22-acre back parcel is Map 208 Lot 15. He stated that another reason for moving the right of way has to do with selling his backland. John Hayden suggested changing the right of way at the time something is done with the property. Mr. Kalish will come back with a survey if he intends on pursuing the change.

#### **Newfields General Store**

Nancy Kingston presented pictures of the lights she would like to put up in front of the country store. The lights will have 42,000 lumens each and they will be 8 feet tall. The lights look like antique street lamps. The Board would like to see what the base of the lamps would be. Reuben thinks the lights are great and would tie into the sidewalk project nicely. The Board had no problem with removing the one pole on the island and replacing it with two poles. Final drawings need to be presented to the Board for approval prior to replacing the poles.

#### **Excel Construction Management- Newfields Campground Store**

Mike Todd stated that as part of the original approval for the store it was a requirement to come back before the Board for a site plan review. They are proposing a dry cleaning drop/off and barber shop, which are both allowed uses. There will be no processing of dry cleaning. There is ample parking and employee parking will be out back.

Reuben reviewed the site plan and mentioned the note on the plan about the signs. There are slots on the bottom of the existing sign for the new stores. The only issue he had was with the fees. He felt there was no need for the applicant to submit any fees because the plan was reviewed previously. Has no problem with the plan.

The lighting of the existing building was discussed. The lights are extremely bright.

Bob Devantery brought up the fact that the sign on the canopy should not be there per the original site plan review.

Expansions or changes of any of the three uses shall warrant additional site plan reviews. Work on the site should be done by May or June according to Mike Todd.

Bob Devantery moved that we approve the site plan with the conditions limited to what has been proposed. John Hayden seconded. Yes-4, No-0.

Mike Price indicated that each department in town needs to submit capital improvement plan items and reports. This is important for the impact fees

Mike Price also discussed the application process. He suggests that no application come before the Board that is incomplete. The application should be submitted 20 days prior to the meeting and reviewed for completeness and then presented at the next meeting.

A motion was made and seconded to adjourn at 11:45 pm.

Respectfully submitted,

Sue McKinnon